



DIGEST SUPPLEMENT

To Legislative Digest and History of Bills
Supplement No. 66*

FIFTY-NINTH LEGISLATURE

Wednesday, April 20, 2005

101st Day - 2005 Regular

SENATE

SB 5287-S
SB 5515-S2
SB 5829-S
SB 6096-S
SB 6100-S
SJM 8024

HOUSE

HB 1041-S
HB 1044-S
HB 1240-S2
HB 2328

LIST OF BILLS IN DIGEST SUPPLEMENTS

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HOUSE

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*To be discarded upon receipt of Edition No. 1 of the Legislative Digest and History of Bills

House Bills

HB 1041-S by House Committee on Appropriations (originally sponsored by Representative Sommers; by request of Office of Financial Management)

Revising the nursing facility medicaid payment system.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the nursing facility medicaid payment system.

-- 2005 REGULAR SESSION --

Apr 18 APP - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.

HB 1044-S by House Committee on Appropriations (originally sponsored by Representative Sommers; by request of Office of Financial Management)

Changing pension funding methodology.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises pension funding methodology.

Requires that, during the 2005 interim, the select committee on pension policy shall study the options available to the legislature for addressing the liability associated with future gain-sharing benefits. These options may include, but shall not be limited to, repealing, delaying, or suspending the gain-sharing provisions in law; making gain-sharing discretionary; or replacing gain-sharing benefits with other benefits such as plan choice, employer defined contributions, retirement eligibility enhancements, and postretirement adjustments. The select committee on pension policy shall report the findings and recommendations of its study to the legislative fiscal committees by no later than December 15, 2005.

-- 2005 REGULAR SESSION --

Apr 18 APP - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.

HB 1240-S2 by House Committee on Finance (originally sponsored by Representatives Kessler and DeBolt)

Funding the development of an automated system to process real estate excise taxes.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Creates the real estate excise tax electronic technology account in the custody of the state treasurer. An appropriation is not required for expenditure and the account is not subject to allotment procedures under chapter 43.88 RCW.

Directs the county treasurer to collect an additional five-dollar fee on all taxable transactions required by chapter 82.45 RCW. The county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under RCW 84.56.280. The state treasurer shall place money from this fee in the real estate excise tax electronic technology account.

Provides that, by the twentieth day of the subsequent month, the state treasurer shall distribute to each county treasurer according to the following formula: Three-quarters of the funds available shall be equally distributed among the thirty-nine counties; and the balance will be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

Requires that, when received by the county treasurer, the funds shall be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department of revenue and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by July 1, 2015, revert to the county capital improvements fund.

Appropriates the sum of three million nine hundred thousand dollars, or as much thereof as may be necessary, for the fiscal year ending June 30, 2006, from the general fund to the real estate excise tax grant account for the purposes of this act.

Takes effect July 1, 2005.

-- 2005 REGULAR SESSION --

Apr 15 FIN - Majority; 2nd substitute bill be substituted, do pass.
Apr 18 Minority; do not pass.
Placed on second reading.

HB 2328 by Representatives Lantz and Priest

Changing provisions relating to the insanity defense.

Amends RCW 10.77.020 to provide that in a sanity evaluation conducted under chapter 10.77 RCW, if a defendant refuses to answer questions or to participate in an examination conducted in response to the defendant's assertion of an insanity defense, the court shall exclude from evidence at trial any testimony or evidence from any expert or professional person obtained or retained by the defendant.

-- 2005 REGULAR SESSION --

Apr 18 First reading, referred to Judiciary.

Senate Bills

SB 5287-S by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Authorizing a state tax on social card games. Revised for 1st Substitute: Modifying house-banked social card game provisions.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that there is levied a state tax on persons engaging in the operation of house-banked social card games for which a license is required under chapter 9.46 RCW. The rate of the tax shall equal five percent of the gross revenue from house-banked social card games.

Creates the public benefit account in the state treasury. Moneys in the account may be spent only after appropriation.

Provides that taxation of nonhouse-banked social card games may not exceed twenty percent of the gross revenue from such games. Taxation of house-banked social card games may not exceed ten percent of the gross revenue from such games, except that for any county, city-county, city, or town that imposed a tax on house-banked social card games under this act on January 1, 2005, that is greater than ten percent of the gross revenue from such games, taxation of house-banked social card games may not exceed the rate in effect on January 1, 2005.

Provides that, for the 2005-2007 biennium, the following amounts are appropriated from the public benefit account: (1) \$1,000,000 to the department of health provided solely to expand the breast and cervical cancer screening program.

(2) \$200,000 to the department of health provided solely to enhance the poison control center.

(3) \$3,000,000 to the department of community, trade, and economic development provided solely to increase grant funding for civil legal representation of indigent persons.

(4) \$1,000,000 to the department of community, trade, and economic development provided solely to fund the Pierce county alliance's methamphetamine family services treatment program and safe streets of Pierce county's methamphetamine service.

(5) \$1,000,000 to the department of community, trade, and economic development provided solely to Snohomish county for methamphetamine prevention by funding a law enforcement strike team pilot.

(6) \$200,000 to the Washington state arts commission provided solely for increased funding of quality art programs in the state.

(7) \$150,000 to the criminal justice training commission provided solely to expand training for prosecuting attorneys.

(8) \$740,000 to the office of public defense provided solely for training and technical assistance for trial-level criminal indigent defense.

(9) \$4,000,000 to the office of public defense provided solely for a criminal indigent defense pilot program.

(10) \$2,000,000 to the department of community, trade, and economic development provided solely to the alliance of boys and girls clubs of Washington state to provide access to after school programs for under-privileged children.

-- 2005 REGULAR SESSION --

Apr 18 WM - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

Placed on second reading by Rules Committee.

SB 5515-S2 by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Esser, Kline, Poulsen, Rockefeller, Brandland, Fraser, Kohl-Welles, Brown, Keiser, Pridemore and Shin)

Prohibiting the sale of products that contain polybrominated diphenyl ethers.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Prohibits the sale of products that contain polybrominated diphenyl ethers.

Declares that, except as provided in this act, after July 1, 2007, no person may manufacture or knowingly sell, offer for sale, or distribute for sale or distribute for use in this state noncombustible products containing polybrominated diphenyl ethers.

Requires a manufacturer of products containing polybrominated diphenyl ether that has been restricted under this act to, once the restriction takes effect, notify persons that sell the manufacturer's products about the provisions of this act.

Does not apply to: (1) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of any raw material or component part used in a transportation vehicle or any new transportation vehicle with component parts, including original parts and spare parts, containing commercial decabromodiphenylether;

(2) The sale or distribution of any used transportation vehicle with component parts containing polybrominated diphenyl ethers;

(3) The sale of any used transportation vehicle parts, or new transportation vehicle parts manufactured prior to July 1, 2007, that contain polybrominated diphenyl ethers;

(4) The use of commercial decabromodiphenylether in the maintenance, refurbishment, or modification of transportation equipment;

(5) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment containing polybrominated diphenyl ethers and use primarily for military or federally funded space program application. This exemption does not cover consumer-based goods with broad applicability;

(6) The sale or distribution by a business, charity, or private party of any used product containing polybrominated diphenyl ethers; or

(7) The manufacture, sale, or distribution of any new product or product component consisting of recycled or used materials containing commercial decabromodiphenylether. Products containing any new polybrominated diphenyl ethers do not qualify for this exemption.

Provides that, subject to available funding, the department of general administration and the department of health shall conduct two separate stakeholder processes to develop a proposal for a ban on the use of decabromodiphenylether in transportation vehicles, and a proposal for the ban or management of used and recycled products containing polybrominated diphenyl ethers.

Requires the department and the department of health to report the findings and recommendations of the stakeholder process to the appropriate committees of the legislature by December 15, 2005. The preparation of the reports required in this provision is subject to available funding.

Provides that, by January 1, 2006, the department of general administration shall: (1) Give priority and preference to the purchase of equipment, supplies, and other products that do not contain polybrominated diphenyl ethers; and

(2) Make available for purchase and use by all state agencies only equipment, supplies, and other products that do not contain polybrominated diphenyl ethers.

Directs the department of general administration to, by January 1, 2006, revise its rules, policies, and guidelines to implement the purposes of this act.

Provides that a manufacturer of products containing polybrominated diphenyl ethers in violation of this act is punishable by a civil penalty not to exceed one thousand

dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

-- 2005 REGULAR SESSION --

Apr 18 WM - Majority; 2nd substitute bill be substituted, do pass.
Minority; do not pass.
Minority; without recommendation.
Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.

SB 5829-S by Senate Committee on Ways & Means (originally sponsored by Senators Thibaudeau, Fairley, Kline, Kohl-Welles, McAuliffe and Fraser)

Authorizing an additional tax on cigarettes.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes an additional tax on cigarettes.

Declares that there is hereby levied, and there shall be collected as provided by chapter 82.24 RCW, an additional tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of:

- (1) Thirty mills per cigarette through June 30, 2007; and
- (2) Forty mills per cigarette after June 30, 2007.

Requires the money collected under this act during any month to be deposited by the twenty-fifth day of the following month as follows: (1) 22.1 percent into the health services account created in RCW 43.72.900;

- (2) 1.75 percent into the water quality account created in RCW 70.146.030;
- (3) 2.3 percent into the violence reduction and drug enforcement account created in RCW 69.50.520;
- (4) 5.1 percent to the general fund; and
- (5) The remainder into the student achievement fund created in RCW 43.135.045. If, however, the amounts deposited in the student achievement fund under chapter 28A.505 RCW are sufficient to provide the total allocations per full-time equivalent student in chapter 28A.505 RCW, the remainder of the money collected under subsection (1)(a) of this section shall be transferred into the general fund.

-- 2005 REGULAR SESSION --

Apr 18 WM - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.

SB 6096-S by Senate Committee on Ways & Means (originally sponsored by Senators Poulsen, Fraser and Prentice; by request of Governor Gregoire)

Generating revenues to fund Initiative No. 728. Revised for 1st Substitute: Generating new tax revenues to provide education funding.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Recognizes that on February 3, 2005, the Washington state supreme court decided in *Estate of Hemphill v. Dep't of Rev.*, Docket No. 74974-4, that Washington's estate tax is tied to the current federal Internal Revenue Code.

Finds that the revenue loss resulting from the *Hemphill* decision will severely affect the legislature's ability to fund programs vital to the peace, health, safety, and support of the citizens of this state.

Declares an intent to address the adverse fiscal impact of the *Hemphill* decision and provide funding for Initiative No. 728 by creating a stand-alone state estate tax that is not affected by changes in federal law after 2005.

Repeals RCW 83.100.030 and 83.100.045.

-- 2005 REGULAR SESSION --

Apr 18 WM - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.

SB 6100-S by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Regarding revenue and taxation.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions relating to revenue and taxation.

-- 2005 REGULAR SESSION --

Apr 18 WM - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.

Senate Joint Memorials

SJM 8024 by Senators Carrell, Rasmussen, Kastama, Swecker, Franklin, Schmidt, Regala, Sheldon, Esser, Stevens, Schoesler, Brandland, Honeyford, Parlette, Zarelli, Wyss, Roach, Finkbeiner, Johnson, Morton and McCaslin

Requesting the state transportation commission to rename the Berkeley Street crossing the "Freedom Bridge."

Requests the state transportation commission to rename the Berkeley Street crossing the "Freedom Bridge."

-- 2005 REGULAR SESSION --

Apr 16 First reading, referred to Transportation.

LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

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SB 6094-S	Supp. 60
SB 6095	Supp. 53
SB 6095-S	Supp. 64
SB 6096	Supp. 54
SB 6097	Supp. 54
SB 6098	Supp. 55
SB 6099	Supp. 56
SB 6100	Supp. 57
SB 6101	Supp. 58
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SB 6103	Supp. 60
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HOUSE

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HB 2326	Supp. 65
HB 2327	Supp. 65
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HJM 4022	Supp. 60
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